REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed October 30, 2006 tentatively rejected claims 1 and 4-38. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1 and 4-38 are pending. More specifically, claims 1, 6, 10, 11, 14, 16, 17, 21-24, 29-31, 34, and 37 are amended. These amendments are specifically described hereinafter.

I.   **Present Status of Patent Application**

Claims 1, 4-10, and 17-38 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). Claims 11-16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Wine* in view of *Sahota* (U.S. Publication No. 2002/0010928). These rejections are respectfully traversed.

II.   **Rejections Under 35 U.S.C. §102(e)**

A.   Claims 1 and 4-9

The Office Action rejects claims 1 and 4-9 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1.   A method in a subscriber television system (STS), the method comprising the steps of:
        providing a plurality of media content instances to be displayed to a subscriber;
        providing at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
        enabling at least one content restriction responsive to a reception of the at least one trigger, the at least one content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **enabling at least one content restriction responsive to a reception of the at least one trigger, the at least one content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim 1, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine*, if the media content instance is not associated with the trigger, it will not be displayed. Conversely, according to claim 1 if the media content instance is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited references of record, dependent claims 4-9 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 4-9 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989).

Therefore, since dependent claims 4-9 are patentable over *Wine*, the rejection to claims 4-9 should be withdrawn and the claims allowed.

B.   Claim 10

The Office Action rejects claim 10 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 10, as amended, recites:

10.   A method in a subscriber television system (STS), the method comprising the steps of:

provides a plurality of media content instances to be displayed to a subscriber by a client device;

providing at least one trigger synchronized with a first media content instance of the plurality of media content instances, the at least one trigger comprising at least one unique identifier;

enabling at least one content control module in the client device, the at least one content control module comprising a database of a plurality of values for a plurality of unique identifiers, the plurality of values being individually matched with a corresponding content restriction, the content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger;

receiving the at least one trigger at the client device;

interpreting a value of the at least one trigger by the at least one content control module; and

enabling the at least one content control module to reference the database with the value and determine at least one enabled content restriction.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 10 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **enabling at least one content control module in the client device, the at least one content control module comprising a database of a plurality of values for a**

plurality of unique identifiers, the plurality of values being individually matched with a corresponding content restriction, the content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger;. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim 10, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine*, if the media content instance is not associated with the trigger, it will not be displayed. Conversely, according to claim 10 if the media content instance is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 10, and the rejection should be withdrawn.

C.   Claims 17-20

The Office Action rejects claims 17-20 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 17, as amended, recites:

17.   A method in a subscriber television system (STS), the method comprising the steps of:

> *inserting, within an available insertion area in at least one transport stream, at least one trigger having at least one content restriction, the at least one content restriction enabling the display of all content except for particular content, the particular content associated with the at least one trigger; and*
>
> distributing the at least one transport stream with the at least one trigger to a plurality of client devices.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 17 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **inserting, within an available insertion area in at least one transport stream, at least one trigger having at least one content restriction, the at least one content restriction enabling the display of all content except for particular content, the particular content associated with the at least one trigger**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim 17, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine*, if the content is not associated with the trigger, it will not be displayed. Conversely, according to claim 1 if the content is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 21, and the rejection should be withdrawn.

Because independent claim 17 is allowable over the cited references of record, dependent claims 18-20 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-20 contain all the steps/features of independent claim 17. Therefore, since dependent claims 18-20 are patentable over *Wine*, the rejection to claims 18-20 should be withdrawn and the claims allowed.

D. Claims 21-23

The Office Action rejects claims 21-23 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 21, as amended, recites:

21. A method in a subscriber television system (STS), the method comprising the steps of:

   providing a plurality of media content instances to be displayed to a subscriber, a first media content instance of the plurality of media content instances comprising a video stream and a second media content instance of the plurality of media content instances comprising a particular advertisement;

   providing at least one trigger synchronized with a priority event in the video stream; and

   enabling display of all media content instances, while excepting except the particular advertisement from being displayed simultaneously with the priority event in the video stream, the particular advertisement associated with the at least one trigger.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 21 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **enabling display of all media content instances, while excepting except the particular advertisement from being displayed simultaneously with the priority event in the video stream, the particular advertisement associated with the at least one trigger**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding

to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim 21, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine,* if the advertisement is not associated with the trigger, it will not be displayed. Conversely, according to claim 21 if the advertisement is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 21, and the rejection should be withdrawn.

Because independent claim 21 is allowable over the cited references of record, dependent claims 22-23 (which depend from independent claim 21) are allowable as a matter of law for at least the reason that dependent claims 22-23 contain all the steps/features of independent claim 21. Therefore, since dependent claims 22-23 are patentable over *Wine*, the rejection to claims 22-23 should be withdrawn and the claims allowed.

E.   Claims 24-30

The Office Action rejects claims 24-30 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 24, as amended, recites:

24.   A system in a subscriber television system (STS), the system comprising:
a memory for storing logic;
a processor for executing the logic stored in memory;
logic configured to provide a plurality of media content instances to be displayed
        to a subscriber;
logic configured to provide at least one trigger synchronized with a first media
        content instance of the plurality of media content instances; and
***logic configured to enable at least one content restriction responsive to a
        reception of the at least one trigger, the at least one content restriction
        enabling display of all media content instances except for particular
        media content instances of the plurality of media content instances, the
        particular media content instances associated with the at least one
        trigger.***

(Emphasis added).

        For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose,
teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits
that independent claim 24 is allowable for at least the reason that *Wine* does not disclose, teach,
or suggest at least **logic configured to enable at least one content restriction responsive to a
reception of the at least one trigger, the at least one content restriction enabling display of
all media content instances except for particular media content instances of the plurality of
media content instances, the particular media content instances associated with the at least
one trigger**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display
corresponding to a trigger, it does not teach enabling the display of all ads except a particular
media instance, as claimed. For example, using the system of *Wine,* if the thematically
appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola
products will be included. It will not include content that is not thematically appropriate such as
toothpaste products. In contrast, in a system according to claim 24, all content is included except
for the particular content that is excluded – the content is sent whether it is thematically
appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding
particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine*
associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction

associated to a trigger. In *Wine*, if the media content instance is not associated with the trigger, it will not be displayed. Conversely, according to claim 24 if the media content instance is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 24, and the rejection should be withdrawn.

Because independent claim 24 is allowable over the cited references of record, dependent claims 25-30 (which depend from independent claim 24) are allowable as a matter of law for at least the reason that dependent claims 25-30 contain all the steps/features of independent claim 24. Therefore, since dependent claims 25-30 are patentable over *Wine*, the rejection to claims 25-30 should be withdrawn and the claims allowed.

F.   Claims 31-33

The Office Action rejects claims 31-33 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 31, as amended, recites:

31.   A system in a subscriber television system (STS) client device, the system comprising:

        a memory for storing logic in the STS client device;
        a processor for executing the logic stored in memory in the STS client device;
        logic configured to provide a plurality of media content instances to be displayed to a subscriber;
        logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
        logic configured to enable at least one content restriction responsive to a reception of the at least one trigger, the at least one content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits

that independent claim 31 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **logic configured to enable at least one content restriction responsive to a reception of the at least one trigger, the at least one content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim 31, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine*, if the media content instance is not associated with the trigger, it will not be displayed. Conversely, according to claim 31 if the media content instance is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 31, and the rejection should be withdrawn.

Because independent claim 31 is allowable over the cited references of record, dependent claims 32-33 (which depend from independent claim 31) are allowable as a matter of law for at least the reason that dependent claims 32-33 contain all the steps/features of independent claim 31. Therefore, since dependent claims 32-33 are patentable over *Wine*, the rejection to claims 32-33 should be withdrawn and the claims allowed.

G.   Claims 34-36

The Office Action rejects claims 34-36 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 34, as amended, recites:

34.   A system in a subscriber television system (STS) headend device, the system comprising:

>   a memory for storing logic in the STS headend device;
>   a processor for executing the logic stored in memory in the STS headend device;
>   logic configured to provide a plurality of media content instances to be displayed to a subscriber;
>   logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
>   ***logic configured to enable at least one content restriction responsive to a reception of the at least one trigger, the at least one content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 34 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **logic configured to enable at least one content restriction responsive to a reception of the at least one trigger, the at least one content restriction enabling display of all media content instances except for particular media content instances of the plurality of media content instances, the particular media content instances associated with the at least one trigger**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim

34, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo*, *Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine*, if the media content instance is not associated with the trigger, it will not be displayed. Conversely, according to claim 34 if the media content instance is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 34, and the rejection should be withdrawn.

Because independent claim 34 is allowable over the cited references of record, dependent claims 35 and 36 (which depend from independent claim 34) are allowable as a matter of law for at least the reason that dependent claims 35 and 36 contain all the steps/features of independent claim 34. Therefore, since dependent claims 35 and 36 are patentable over *Wine*, the rejection to claims 35 and 36 should be withdrawn and the claims allowed.

H.   Claims 37-38

The Office Action rejects claims 37-38 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 37, as amended, recites:

37.   A system in a subscriber television system (STS) headend, the system comprising:

> a memory for storing logic in the STS headend;
> a processor for executing the logic stored in memory in the STS headend;
> logic configured to allow the STS headend to receive and distribute at least one
>> transport stream to a plurality of client devices, the STS headend
>> comprising an administrative content control module; and
> logic configured to enable at least one trigger to be synchronized with an
>> available insertion area in the at least one transport stream, the at least one
>> trigger comprising at least one content restriction, ***the at least one content***
>> ***restriction enabling display of all media content instances except for at***
>> ***least one particular media content instance of the plurality of media***

> *content instances, the at least one particular media content instance*
> *associated with the at least one trigger.*

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 37 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the at least one content restriction enabling display of all media content instances except for at least one particular media content instance of the plurality of media content instances, the at least one particular media content instance associated with the at least one trigger.** Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. For example, using the system of *Wine,* if the thematically appropriate concept involves Coca-Cola products, only content that is related to Coca-Cola products will be included. It will not include content that is not thematically appropriate such as toothpaste products. In contrast, in a system according to claim 37, all content is included except for the particular content that is excluded – the content is sent whether it is thematically appropriate or not as long as it is not particular media content. *Wine* does not disclose excluding particular content while enabling all other content as claimed. Even if, *arguendo, Wine* associates an inclusive restriction to the trigger, *Wine* does not disclose an exclusive restriction associated to a trigger. In *Wine,* if the media content instance is not associated with the trigger, it will not be displayed. Conversely, according to claim 37 if the media content instance is not associated with the trigger, it will be displayed. Therefore, *Wine* does not anticipate independent claim 37, and the rejection should be withdrawn.

Because independent claim 37 is allowable over the cited references of record, dependent claim 38 (which depends from independent claim 37) is allowable as a matter of law for at least the reason that dependent claim 38 contains all the steps/features of independent claim 37. Therefore, since dependent claim 38 is patentable over *Wine*, the rejection to claim 38 should be withdrawn and the claim allowed.

III.   Rejections of claims 11-16 Under 35 U.S.C. §103(a)

The Office Action rejects claims 11-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wine* in view of *Sahota* (U.S. Publication No. 2002/0010928). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 10 is allowable over the cited references of record, dependent claims 11-16 (which depend from independent claim 10) are allowable as a matter of law for at least the reason that dependent claims 11-16 contain all the steps/features of independent claim 10. Therefore, the rejection to claims 11-16 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 11-16, *Sahota* does not make up for the deficiencies of *Wine* noted above. Therefore, claims 11-16 are considered patentable over any combination of these documents.

IV.   Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 and 4-38 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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